

Introduced by Senators Escutia and Morrow

February 22, 2005

An act to add Chapter 4.3 (commencing with Section 25330) to Division 15 of the Public Resources Code, relating to electricity transmission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1059, as introduced, Escutia. Electric transmission corridors.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to adopt a strategic plan for the state's electric transmission grid using existing resources. Existing law requires that the plan identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and to meet future growth in load and generation, including, but not limited to, renewable resources, energy efficiency, and other demand reduction measures.

This bill would authorize the commission to designate a transmission corridor on its own motion or on petition by any person who plans to construct an electric transmission line within the state. The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the strategic plan adopted by the commission.

The bill would specify the procedure for designation of a transmission corridor that would include:

- (1) Publication of the request for designation and request for comments.
- (2) Coordination with federal agencies and Native American governments.
- (3) Informational and adjudicatory hearings.

(4) Requirements for a proposed decision.

The bill would require each city and county in which a designated corridor is located to take all actions necessary to integrate the designated corridor in their respective land use plans and ordinances, thereby creating a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California currently lacks a systematic, statewide approach
4 to transmission planning and permitting that addresses the state's
5 critical energy and environmental policy goals and allows
6 transmission projects to move seamlessly from the planning
7 phase into the permitting phase for timely approval and
8 construction of needed transmission lines.

9 (b) Planning for and establishing a high-voltage electric
10 transmission system to accommodate the development of
11 renewable resources within the state, facilitate bulk power
12 transactions, ensure access to out-of-state regions that have
13 surplus power available, and reliably and efficiently supply
14 existing and projected load growth is vital to the future economic
15 and social well-being of California.

16 (c) The construction of new high-voltage electric transmission
17 lines within new or existing corridors has become increasingly
18 difficult and may impose financial hardships and adverse
19 environmental impacts on the state and its residents. It is in the
20 interest of the state, therefore, through the electricity
21 transmission planning process to accomplish all of the following:

1 (1) Identify the long-term needs for electric transmission
2 corridors within the state.

3 (2) Work with stakeholders, appropriate federal, state, and
4 local agencies, and the public to study transmission corridor
5 alternatives and designate appropriate corridors for future use to
6 ensure reliable and efficient electricity for California's residents.

7 (3) Integrate transmission corridor planning at the state level
8 with local and regional planning so that designated corridors are
9 reflected in local and regional plans.

10 SEC. 2. Chapter 4.3 (commencing with Section 25330) is
11 added to Division 15 of the Public Resources Code, to read:

12
13 CHAPTER 4.3. DESIGNATION OF TRANSMISSION CORRIDORS
14

15 25330. (a) The commission may designate a transmission
16 corridor on its own motion or on petition by a person who plans
17 to construct an electric transmission line within the state. The
18 designation of a transmission corridor shall serve to identify a
19 feasible corridor in which can be built a future transmission line
20 that is consistent with the state's needs and objectives as set forth
21 in the strategic plan of Section 25324. A designated transmission
22 corridor shall be protective of the environment to the extent
23 feasible, consistent with local and regional land use plans that
24 integrate the transmission needs of the state, and wide enough to
25 allow for alternative routes to be considered where feasible.

26 (b) A person planning to construct an electric transmission line
27 may submit to the commission a petition to designate a proposed
28 transmission corridor as being consistent with the strategic plan
29 of Section 25324. The request shall be in the form prescribed by
30 the commission and shall be supported by such information as
31 the commission may require.

32 (c) For purposes of this chapter, an electric transmission line
33 refers to a proposed electric power line designed for operation at
34 50 kilovolts or more that would be part of the state's transmission
35 grid and would exist in a transmission corridor that is being
36 considered for designation or has been designated pursuant to
37 this chapter.

38 (d) The commission shall be the lead agency as provided in
39 Section 21165 for all corridors proposed for designation pursuant
40 to this chapter. Unless the commission's regulatory program

governing the designation of transmission corridors is certified by the Resources Agency pursuant to Section 21080.5, the commission shall prepare an environmental impact report within one year after receipt of a petition for designation or, if the designation is on the motion of the commission, within the proceeding for a relevant integrated energy policy report prepared pursuant to Chapter 4 (commencing with Section 25300). The environmental document prepared by the commission shall serve as a programmatic environmental impact report for all local governmental agencies that must amend their general plans to identify a designated corridor pursuant to this chapter.

25331. A corridor designated as being consistent with the strategic plan of Section 25324 shall be so identified in subsequent strategic plans and its designation reassessed at least every five years in the planning process for the strategic plan. All subsequent proceedings in which a person seeks approval to build a transmission line within a designated corridor shall utilize the environmental review on the request for designation to the full extent the environmental review remains relevant to the project under review for a permit.

25332. (a) In developing a strategic plan or considering a request for designation, the commission shall confer as needed, depending on the long-term needs for and possible location of a transmission corridor, with federal agencies and with Native American governments to identify appropriate areas within their jurisdiction that may be designated for one or more corridors for future transmission lines. The commission shall, to the extent feasible, coordinate efforts to identify long-term transmission needs of the state with the land use plans of federal agencies and Native American governments.

(b) The commission shall not designate a transmission corridor over the tribal land of a Native American government without the approval of the Native American government.

25333. (a) Upon receipt of a request for designation, the commission shall arrange for the publication of a summary of the request for designation in a newspaper of general circulation in each county in which the proposed corridor would be located. The commission shall transmit a copy of the request for

1 designation to all local, regional, state, and federal agencies
2 having an interest in the proposed corridor.

3 (b)The commission shall request appropriate local, regional,
4 state, and federal agencies, the Independent System Operator,
5 interested Native American governments, and members of the
6 public to provide comments on the suitability of the proposed
7 corridor to accommodate the construction of a transmission
8 project with respect to environmental, public health and safety,
9 land use, economic, and transmission-system impacts or other
10 factors on which they may have expertise.

11 25334. (a) Within 45 days of receipt of the request for
12 designation, the commission shall commence public
13 informational hearings in the county or counties in which the
14 proposed transmission project would be located.

15 (b) The purpose of the hearings shall be to do all of the
16 following:

17 (1) Provide information about the proposed corridor so that the
18 public and interested agencies have a clear understanding of what
19 is being proposed.

20 (2) Explain the relationship of the proposed corridor to the
21 commission's strategic plan for the state's electric transmission
22 grid, as set forth in the most recent integrated energy policy
23 report.

24 (3) Receive initial comments about the proposed corridor from
25 the public and interested agencies.

26 (4) Solicit information on reasonable alternative corridors.

27 25335. (a) Within 155 days after the final informational
28 hearing, the commission shall conduct a prehearing conference to
29 determine the issues to be considered in adjudicatory hearings
30 pursuant to this section, to identify the dates for the hearings, and
31 to set forth filing dates for public comments and testimony from
32 the parties and interested agencies. Within 15 days of the
33 prehearing conference, the commission shall issue a hearing
34 order setting forth the issues to be heard, the dates of the
35 hearings, and the filing dates for comments and testimony.

36 (b) The commission shall conduct adjudicatory hearings
37 pursuant to the hearing order. The purpose of the hearings shall
38 be to receive information upon which the commission can make
39 findings and conclusions pursuant to Section 25336.

1 25336. After the conclusion of hearings conducted pursuant to
2 Section 25335, and no later than 300 days after the receipt of the
3 request for designation, the commission shall issue a proposed
4 decision that contains all of the following:

5 (a) The findings and conclusions of the commission regarding
6 the conformity of the proposed transmission corridor with the
7 strategic plan for the state's electric transmission grid, as set forth
8 in the most recent integrated energy policy report.

9 (b) The commission's findings and conclusions on the
10 suitability of the proposed corridor with respect to
11 environmental, public health and safety, land use, economic, and
12 transmission-system impacts.

13 (c) The commission's findings and conclusions on mitigation
14 measures and alternatives as may be needed to protect
15 environmental quality, public health and safety, the state's
16 electric transmission grid, or any other relevant matter.

17 (d) The commission's findings and conclusions on any other
18 factors that the commission consider relevant as to whether the
19 proposed corridor should be designated as being consistent with
20 the strategic plan for the state's electric transmission grid, as set
21 forth in the most recent integrated energy policy report prepared
22 pursuant to Section 25324.

23 25337. (a) As soon as practicable after the receipt of a
24 request for designation pursuant to Section 25330, the
25 commission shall inform local, regional, and federal agencies and
26 Native American governments in whose jurisdictions a proposed
27 transmission corridor would be located about the proposed
28 corridor and the objectives of the most recent strategic plan for
29 the state's electric transmission grid. The commission shall
30 solicit information from and confer with all interested agencies
31 and Native American governments about their land use plans,
32 existing land uses, and other factors in which they have expertise
33 or interest with respect to a proposed transmission corridor.
34 Interested agencies and Native American governments shall be
35 afforded ample opportunity to participate in the commission's
36 review of a request for designation.

37 (b) After the commission designates a transmission corridor
38 pursuant to Section 25331, it shall so notify the affected agencies
39 and shall send each one a copy of the commission's decision.
40 Each city and county in which the designated corridor is located

1 shall take all actions necessary to integrate the designated
2 corridor in their respective land use plans and ordinances, so that
3 local and regional land use plans will also designate transmission
4 corridors that the commission has designated as being consistent
5 with the strategic plan for the state's electric transmission grid.

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.